



#131 Amended
4/19/01
C. McKing

PATENT
Attorney Docket No. 71538

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James J. Fitzgibbon
Colin B. Willmott

Appln. No. 09/387,659

Filed: Herewith

Title: GARAGE DOOR
OPERATOR SAFETY
EQUIPMENT

Group
Art Unit:

Examiner:

) CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Box CPA
Director-U.S. Patent and Trademark Office
Attn. Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

This Amendment is being filed in the above-identified Continuing Prosecution Application (CPA) and is in response to the Office Action dated October 16, 2000, received in the parent application which was made Final. Please amend the above-identified CPA as follows:

IN THE CLAIMS

Please amend claims 15 and 18 as follows:

C 15. (Amended) In a movable barrier operator comprising a movement control apparatus for controlling movement of a barrier in response to commands, the method comprising:

 sending a command to the movement control apparatus specifying one of open, close, or stop movement of the barrier;
 checking the movement control apparatus to determine whether the



04-17-01
CONTINUED PROSECUTION PATENT
APPLICATION TRANSMITTAL

(for Continued Prosecution Applications
under 37 C.F.R. §1.53(d))

Attorney Docket No. 71538

First Named Inventor: James J. Fitzgibbon

REQUEST FOR CONTINUED PROSECUTION APPLICATION (CPA)
UNDER 37 C.F.R. §1.53(d)

04-17-01
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✓
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4/19/01
C. McKinnon

Box CPA

Director-U.S. Patent and Trademark Office
ATTENTION: Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a
Continued Prosecution Application
(CPA) under 37 C.F.R. §1.53(d)
which is a:

- (X) Continuation application,
() Divisional application,

of pending prior nonprovisional application number 09/387,659, filed on
August 31, 1999, entitled Garage Door Operator Safety Equipment
(Date)

by the following named inventor(s) identified by full name, citizenship,
residence and post office address, which are the same or fewer than all of
the inventors named in the prior nonprovisional application (as of today's
date):

James J. FITZGIBBON
1521 Handley Lane
Batavia, Illinois 60510
U.S.A.

Colin B. Willmott
917 Saybrook Lane
Buffalo Grove, Illinois 60089
U.S.A.

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710.00 OP

The above-identified prior nonprovisional application, in which no payment
of the issue fee, abandonment of, or termination of proceedings, has
occurred, is hereby expressly abandoned as of the filing date of this

request for a continued prosecution application. Please use the file jacket and all the contents of the prior nonprovisional application, including the specification, drawings, and the oath or declaration, as the basic papers for the new continued prosecution application. (Note: 37 C.F.R. §1.53(b) may be used for applications where the prior application is not to be abandoned.)

1. () Because this continued prosecution application is filed by fewer than all of the inventors named in the prior nonprovisional application, please delete from this application the following inventor(s) named in the prior nonprovisional application:

2. () Priority of application number ____/____ filed on _____ in _____ is claimed under 35 U.S.C. §119.

() The certified copy of the priority document has been filed in prior application number ____/____, filed _____.

() A certified copy of the priority document is enclosed.

3. () An Information Disclosure Statement is enclosed.

() A Form PTO-1449 is enclosed.

() _____ References (copies) listed on the Form PTO-1449 are enclosed.

4. (X) A separate written request under 37 C.F.R. §1.136(a)(3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.

5. (X) A Return Receipt Postcard is enclosed (MPEP §503).

6. () Small Entity Status (37 C.F.R. §1.28(a)(2)):

() A statement of status as small entity is enclosed.

() A statement of status as small entity was filed in the prior, nonprovisional application, and small entity status is still proper and desired in this new nonprovisional application.

() Status as a small entity is no longer claimed.

7. () Enter the amendment previously filed on _____ under 37 C.F.R. §1.116, but unentered, in the prior nonprovisional application.

- (X) A preliminary amendment to the prior nonprovisional application (as it existed prior to the filing of this new application) requesting new changes to the prior nonprovisional application is enclosed, and does not introduce new matter into the prior or new application.

9. (X) The filing fee is calculated below:

Fee Calculation under 37 C.F.R. §1.16 For Claims Existing in the Prior Nonprovisional Application, As Amended at 7 and 8 Hereinabove		
() Basic Utility Fee	\$710.00	\$ <u>710.00</u>
• () Independent Claims <u>2</u> - 3 = <u>0</u> x \$ 80.00 =		\$ <u>-0-</u>
• () Total Claims <u>4</u> - 20 = <u>0</u> x \$ 18.00 =		\$ <u>-0-</u>
• () Fee for Multiply Dependent Claims	\$270.00	\$ <u> </u>
or		
() Basic Design Fee	\$ 320.00	\$ <u> </u>
Total of above Calculations		\$ <u> </u>
Reduction by 50% for Filing by Small Entity		\$ <u> </u>
Total		\$ <u>710.00</u>

10. (X) The Commissioner is hereby authorized to charge any fees which may be required under 37 C.F.R. §§1.16 and 1.17 and are not paid herewith, or credit any overpayment, to Deposit Account Number 06-1135. A duplicate copy of this request is enclosed.

11. (X) A check in the amount of \$ 710.00 is enclosed.

12. (X) The prior nonprovisional application is assigned of record to The Chamberlain Group, Inc.

13. (X) The power of attorney in the prior nonprovisional application is to:

(X) Kenneth H. Samples, Reg. No. 25,747,

FITCH, EVEN, TABIN, & FLANNERY
Suite 1600
120 South LaSalle Street
Chicago, Illinois 60603-3406
and other members of the firm.

(X) Customer Number 22242.

14. () A new power of attorney or authorization of agent is enclosed.

15. () Also enclosed:

16. (X) Address all future communications to Customer Number 22242.



It is understood that confidentiality by the applicants under 35 U.S.C. §122 is hereby waived to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. §1.14 to access to, copies of, or information concerning either the prior nonprovisional application, or any continuing application filed under 37 C.F.R. §1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

April 16, 2001
(Date)

Kenneth H. Samples
Kenneth H. Samples
Registration No. 25,747
(X) Attorney or agent of record
() Inventor(s)
() Assignee
() Filed under §1.34(a)

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